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6/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Athar Shah
Serial No.:	09/846,044
Group Art Unit:	3634
Filed:	May 1, 2001
Examiner:	Gregory J. Strimbu
For:	PROFILED BELT-TYPE REGULATOR

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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In response to the Advisory Action from the Examiner mailed June 5, 2003, (Paper No. 11).

REMARKS

On June 2, 2003 a Response After Final was filed via facsimile with the Patent Office and 7 pages went through successfully. A copy of the fax history is attached. However, the Response After Final was not signed so we are enclosing a new copy of the Response signed for your records. If you require anything else please let us know.

Official

It is believed that this application is in condition for allowance. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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Dated: 6/11/03

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Fax History Report for
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Jun 2	11:01pm	Sent	17033053597	2:11	7	OK

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Docket No. 60,130-1048
01MRA0236

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RESPONSE AFTER FINAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action mailed March 31, 2003 (Paper No. 9). Please amend the application as follows:

IN THE CLAIMS:

23. (Amended) The assembly as set forth in claim 1, wherein a longitudinal axis of said glass support member is generally parallel with a rotational axis of said pulley.

24. (Amended) The module as set forth in claim 12, wherein a longitudinal axis of said glass support member is generally parallel with a rotational axis of said pulley.

25. (Amended) The assembly as set forth in claim 4, wherein said belt is untwisted with said protrusions being parallel to one another.

28. (Amended) The assembly as set forth in claim 21, wherein said belt is untwisted with said protrusions being parallel to one another.

REMARKS:

Claims 1, 3-7, 11, 12, 14-16, and 20-28 are presently pending in the application. Claims 1 and 12 are in independent form.

The Examiner rejected claims 25 and 28 under §112, second paragraph because the Examiner argued that the phrase "belt position" was unclear. By this amendment, Applicant has deleted the phrase, and the rejection has been overcome.

Claims 1, 3, 4, 7, 11, and 21-23 were rejected under §103 over Osborn in view of Yamamura. Osborn lacks the protrusions required by the Applicant's claims. Osborn teaches a "very thin and flexible" tape (col. 4, lines 17-18) so that it can be twisted. In fact, the tape is only 0.040" thick (col. 4, lines 27-32) of woven material such as used for seat belts so that it can be twisted. As a result, there is no way to incorporate the timing belt of Yamamura and the proposed combination is improper. The Examiner has the burden of showing why one of ordinary skill in the art would modify Osborn with Yamamura based upon the teachings of those references. Specifically, the Examiner has failed to demonstrate how the thin belt of Osborn would incorporate the protrusions of Yamamura based upon the teachings of those references. How would one make protrusions out of the thin woven material that is "commonly used in seat belts?" The references provide no teachings to one of ordinary skill as to how this would be done. As a result, the references cannot properly be combined.

Claims 21-23 are also allowable over Osborn and Yamamura because the references do not disclose the limitations recited in these claims. The Examiner under the "Response to Arguments" section refers to Colell, however, this rejection does not rely upon Colell. Accordingly, the Examiner at a minimum must withdraw the rejection of claims 21-23 under this combination.

In the last Office Action, the Examiner provided a new rejection to claims 1, 3, 4, 21, and 25-28 under §103 over LeCompagnon in view of Colell. The Examiner relies upon Colell to provide a belt having a plurality of protrusions. The Examiner argues that the motivation to modify LeCompagnon would to be "to provide a more efficient means for transmitting force between the motor and glass support member." However, there is no teachings in the references to this effect. Why does the Examiner feel that LeCompagnon is inefficient? Why would one of ordinary skill use the belt of Colell instead? The Examiner is clearly picking and choosing elements from the reference to assemble all of the claim terms. As such, the rejection

with the present motivation cannot stand.

Claims 5 and 6 were rejected under §103 over Osborn in view of Yamamura in further view of Shibata. The Examiner argues that Shibata discloses "stops defining open and closed positions" as required by claim 6. Applicant has carefully reviewed the text and drawings of Shibata and has found no such elements. There is no discussion in Shibata as to what defines the open and closed positions. The Examiner has not cited anything in the disclosure of Shibata for support. The Examiner is only speculating as to what if anything in Shibata discloses the stops. This is insufficient to sustain a rejection of the claims. For example, Figure 4 seems to indicate that the window 56 would collide with the bottom of the door (in phantom) prior to the plate reaching the lower bracket 28.

Claims 12, 14-16, and 24 were rejected under §103 over Osborn in view of Shibata. Claim 12 requires spaced apart brackets supporting end portion of a belt. The Examiner relies upon Shibata for spaced apart brackets and argues that the motivation to one of ordinary skill in the art would modify Osborn with Shibata "to more securely mount the regulator bracket to the vehicle door." However, Osborn does not benefit from the brackets of Shibata because it is already secured to the door using spaced apart brackets 22 (see Figure 2). What then would be the purpose of the brackets of Shibata? There is no motivation to one of ordinary skill to make the modification argued by the Examiner.

Claim 15 is also allowable for the reasons set forth above relative to claim 6. Claim 24 requires a "glass support member...generally parallel with a rotational axis of [the] pulley," which is not disclosed in either of the references. Osborn discloses a glass support member and pulley axis that are perpendicular, and Shibata is silent as to the orientation of the glass support member and pulley for an embodiment utilizing a flexible belt. Accordingly, claim 24 is allowable for this additional reason.

Claim 20 was rejected under §103 over Osborn in view of Shibata in further view of Yamamura. Claim 20 is allowable for reasons similar those set forth above relative to claim 1.

The pending claims are allowable over the prior art for the reasons set forth above. Applicant respectfully requests early allowance of the claims.

It is believed that this application is in condition for allowance. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,
CARLSON, GASKEY & OLDS

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Dated: 6/11/03

Marked up version of claims indicating changes

23. (Amended) The assembly as set forth in claim 1, wherein a longitudinal axis of said glass support member is generally parallel with a rotational axis of said pulley.

24. (Amended) The module as set forth in claim 12, wherein a longitudinal axis of said glass support member is generally parallel with a rotational axis of said pulley.

25. (Amended) The assembly as set forth in claim 4, wherein said belt is untwisted with said protrusions being parallel to one another [in a belt position].

28. (Amended) The assembly as set forth in claim 21, wherein said belt is untwisted with said protrusions being parallel to one another [in a belt position].

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